

City of Springfield
Work Session Meeting

MINUTES OF THE WORK SESSION MEETING OF
THE SPRINGFIELD CITY COUNCIL HELD
MONDAY, APRIL 24, 2006

The City of Springfield Council met in a work session in the Jesse Maine Meeting Room, 225 Fifth Street, Springfield, Oregon, on Monday, April 24, 2006 at 5:30 p.m., with Mayor Leiken presiding.

ATTENDANCE

Present were Mayor Leiken and Councilors Fitch, Ballew, Lundberg, Ralston, Woodrow and Pishioneri. Also present were Interim City Manager Cynthia Pappas, City Attorney Joe Leahy, City Recorder Amy Sowa and members of the staff.

1. Regional Spatial Data Adjustment Project.

Assistant Public Works Director Len Goodwin and GIS Program Supervisor Brandt Melick presented the staff report on this item. Mr. Goodwin also noted that Planning Manager Greg Mott was available to answer any questions. As a result of new highly accurate tax lot base maps recently completed by Lane County, GIS staff across the region will be adjusting GIS layers to align with the new tax lot base maps. This will have an impact on the apparent location of certain physical features, (for example wetlands or the urban growth boundary) that have not been defined by traditional metes and bounds.

Overall, the spatial adjustment work will result in superior mapping products for the City. Adjusted GIS layers will more accurately reflect what actually exists on the ground and fewer discrepancies will exist between layers. As a result, mapping information will be more reliable and provide enhanced decision support across the City.

However, this spatial adjustment work will also present issues. These issues can be generally characterized as reflecting the fact that much information that is displayed on City maps is not the result of surveyed measurements of metes and bounds. We have always known that there was a level of inaccuracy inherent in trying to depict features described in informal ways alongside those described in strict legal descriptions. This adjustment, while actually reducing the inaccuracies, highlights the changes and thus can be a cause of public confusion and concern.

It is important to keep these concerns in context:

- These GIS layers, and maps derived from them, are not legally binding documents. They represent interpretations (based on best available source information) and city-wide spatial indexes designed to assist City staff performing City functions such as public notification, inventory maintenance, development review and land planning. When performing detailed site planning, staff use GIS layers as spatial indexed to find surveys of record (which are linked to features in the GIS) and do not use the GIS layers to provide precise spatial determinations.

- Surveys of record such as Plats and As Built Plans are legally binding documents that have been traditionally used to provide precise locations of property lines, infrastructure, and accurately determine the relationship between, political and planning boundaries, protected natural resources and property boundaries. For example, although a GIS layer may indicate that a wetland is near a tax lot, a legal survey is required to enforce an action.

This regional spatial data adjustment work does not supersede surveys of record.

A power point presentation was presented regarding this item. Mr. Goodwin distributed hard copies of the power point presentation. Mr. Goodwin reviewed the background of this project. He said the new data would be more accurate than current maps and could be backed up by ground surveys.

Mr. Melick said the Regional Spatial Data Adjustment project involved the updating of the GIS layers to align with the new tax lots that Lane County Public Works had recently created. He discussed the scope of work and costs involved in the County's remapping. He said the maps would be used by Lane County Assessment and Taxation, Lane County Public Works, the City of Eugene, Lane Council of Governments and other agencies. Springfield was adjusting their information through this process to better match the base that everyone would be using. He discussed the history of this project. He said the project would adjust zoning layers, land use layers, City limits, the urban growth boundary, etc. He said the people familiar with each of those aspects had been involved. In making adjustments there could be noticeable changes, but not to legal documents. He showed the difference between the old mapping and the new mapping and the accuracy of the new mapping. He discussed the discrepancies in the tax lots shown on the map in the old mapping. The differences were not consistent throughout the City. Surveys would remain the source if people needed accurate information on lines. City GIS staff managed and coordinated the activities and other City staff and outside agencies reviewed the proposed changes.

Mr. Melick noted some of the changes as a result of this project. The changes were not changes to any legal documents, but would show up as changes on the map and issues could arise from those changes. He referred to the power point slide showing the old tax lot map and the new tax lot map and noted the differences between the two. The new maps were much better. He discussed the discrepancies on the old maps and issues that would surface with the new maps. He said it was important to work through the issues as they arose. He reaffirmed that surveys were the source for citizens to refer to when they needed an accurate delineation of their property or any other feature on the ground near their home.

Mr. Melick discussed the changes in the map layers. He referred to an example in the agenda packet.

Councilor Pishioneri asked a question about the river meandering.

Mr. Melick said the property would be replatted if the river meandered and the replatted information would go into the system. He said there were very good techniques in place to keep the maps accurate from this point forward.

Councilor Pishioneri asked how it would affect property owners if it changed their tax lot.

Mr. Melick said the dimensions of the property would not be changed.

Mr. Goodwin discussed the change in property lines when rivers meander and the property lines were legally described as being in the center of the river. He said that would not be depicted on tax lot lines until there was a new survey of the property done. At that point, the new survey would pick up any change to the property line.

Mr. Leahy said a tax lot was not necessarily a legal lot. He described a legal lot. He said a tax lot adjustment did not necessarily mean a change in the title. He described exceptions where a change could be made over time. The legal lot description was listed on the owner's deed.

Councilor Pishioneri asked if this mapping project would adversely affect property owners.

Mr. Leahy said they could still argue about where their property begins or ends regardless of what the City had on the map.

Mr. Melick said it would be the appearance of change that would cause concern from property owners. He discussed an example as noted in the power point presentation. This mapping would show things that were not seen before.

Mayor Leiken said it could have the affect of showing wetlands on property that did not show up before, or show wetlands off of the property.

Mr. Melick said normally there would be buffer setbacks from these features, and staff would be sending out mailings to surrounding properties to be more inclusive.

Councilor Ballew asked for the basis of the new compared to the old.

Mr. Melick said the new mapping was created by surveyors and was very accurate, including the use of geometry to type in the distances and bearings to more accurately create the lines. The old maps were created using "blind digitizing techniques" which involved using a computer and typing in information from other screens and maps. There was no reference in the background to check them against. He said the old maps were created in the early 1970's. He said the County spent a lot of money to do this work.

Councilor Ralston asked about the example shown on the power point.

Mr. Goodwin said staff was updating these maps because in reality most people relied on the maps for the first point of departure when they did development or other activity. Then they would hire the surveyor to survey the land. The more accurate the map was, the less likely the property owner would have an unpleasant surprise when they went to do the survey.

Councilor Fitch asked if PW or DSD staff looked at the legal descriptions or at the maps.

Mr. Goodwin said they looked at both, but any decisions were based on the legal description.

Mr. Leahy said when surveyors created a map or plat as required by a governmental agency, they must show if there were any other issues, such as a fence.

Councilor Ballew referred to an example in the presentation and asked why the tax lot looked like it was in the right-of-way.

Mr. Melick said the old tax lots were never aligned with the right-of-way and the new tax lots were now aligned with right-of-way.

Mr. Goodwin said the ortho-photography showed that the streets lined up with the red lines on the map. Current maps, particularly downtown, showed that the property lot lines didn't match with streets. Once the tax lots got adjusted and corrected, they would flow exactly along the lines and there would be no overlap.

Councilor Fitch said a lot of staff time was spent on this project. She asked if the benefit to the citizens of Springfield was making it worth the effort and energy.

Mr. Goodwin said before property owners got into the serious business of looking at doing something to their property, they would look at the maps and this would give them more accurate information. There would be less chance of them discovering their property lines were not where they appeared on the map. Many of the tax lots did match the legal descriptions.

Councilor Lundberg said the permanent structures, such as roads, etc. should line up better. Things like wetlands and rivers could move because of natural movement. Where problems could occur would be regarding wetlands. In the future, staff could adjust for variances at a more accurate and timely fashion than in 1970. She said Council was trying to justify the cost and identify pitfalls in this process.

Councilor Woodrow said this was basically correcting the maps. This would be more accurate to the legal descriptions of the property.

Mr. Melick said this could highlight where some of the issues could occur. He said it was not uncommon for people to look at general planning and maps to make their decisions. In some cases, this new mapping system could be very beneficial.

Public Works Director Dan Brown said one advantage was that there would be less need for people to hire a land surveyor, which was very expensive, with more accurate mapping.

Mr. Melick said the City would have better information available when making decisions.

Councilor Lundberg said everything on a map often became true for some citizens. She asked about notification to citizens regarding their tax lot moving. She said many people weren't familiar with the difference between tax lots and legal descriptions.

Mr. Melick said that was why staff wanted to bring this to Council's attention to discuss some of those very issues. He said a process was set up to identify where those issues would come up and appropriate notification would be sent out. Part of that process would include how to get it out to the public or special interest groups. People should go to Lane County Assessment and Taxation for maps of their properties and Lane County would be using the exact same maps as the City. Lane County should be addressing this as well with their constituents and the general public about the changes that could appear on the official Lane County Assessment and Taxation map.

The City had been looking at issues regarding property owners that could show a change regarding a natural resource. Staff had been working with the City Attorney's office, Mr. Goodwin and different department managers.

Councilor Lundberg said the County was also involved. She asked who would be doing the notification.

Mr. Goodwin said the County would not be notifying anyone of any changes. The apparent and observable changes would relate to City structures, such as wetlands, city limits, planning zones and the urban growth boundary. The City would be making direct notification. If a property owner went in to find out about their property line, they would normally go to the County and the County would advise them at that time. Proactive notification to the citizens would need to come from the City.

Mr. Leahy said the County picked up the tax lots because they received every deed that was recorded and made up the tax lot from the deed. Mistakes were made. The legal descriptions were not being changed, but only making better information and refining how that information was presented to the public on the tax lot. He discussed rural property and how Lane County assessment and taxation issued those descriptions and tax lots for tax purposes. This was a change in presentation, not in what people owned.

Mr. Goodwin gave an example of his rural property.

Councilor Ballew asked what Lane County used for taxation purposes: tax lot or legal description.

Mr. Goodwin said tax lotting was often done within the confines of a metes and bounds description for assessment and taxation purposes. At a land grant claim level, there was correspondence between the sections, ranges and the legal lot lines.

Councilor Ballew said the tax lots should match the legal description in a perfect world.

Mr. Goodwin agreed.

Mayor Leiken said over time it would be a benefit, but he noted the timing following the passage of Ballot Measure (BM) 37 was a concern. He asked if and when this would come back to Council.

Mr. Goodwin said there may be some issues that did need to come back to Council. Some of the concerns could be dealt with at the staff level, but others may need to come back to Council to be resolved.

Mayor Leiken discussed the industrial commercial land study. He said there was a lot of confusion around that study and the new maps would eventually be a good thing for Lane County and our area. We needed to get past the confusion. He noted special interest groups that would take interest in this new mapping. He said land use was a hot button and that would continue.

Councilor Fitch referred to Attachment C included in the agenda packet. She asked if the process would be changed while perfecting the maps, so the same methods would not be used for zoning issues. She said the methodology needed to be improved.

Development Services Director Bill Grile said staff didn't have the ability to change zoning.

Councilor Fitch asked about the method for identifying zoning.

Planning Manager Greg Mott said all zoning ordinances had the legal description of the property attached, except on rare occasions. When a property was rezoned, it had to be consistent with the Metropolitan Plan and the same system would be used to determine that consistency. It also had to be accompanied by a legal description.

Mr. Grile said legislatively, when Council established zoning the first time, those lines were set in a given location. When citizens came forward to change zoning, the description was used. There was not a description for every property done twenty years ago.

Mr. Mott said most of the UGB was just a line on the map for convenience, but was not defined by a legal description. They would need to go through that same process, including a surveyor providing a legal description and bringing that to the Planning Commission and City Council to act upon. The standards for the Metro Plan would also have to be followed.

Mr. Melick said the example referred to by Councilor Fitch was to illustrate the complexity of what staff faced ahead. Most of those zoning areas were noted by metes and bounds of the tax lots and would be adjusted to follow those property lines and to match the zoning as described in the metes and bounds. He said this process had been a good discovery project regarding maps maintained by all agencies. Staff was looking at the maintenance process for the future and how to do a better job so there was less confusion.

Mr. Mott said there were some properties that deliberately had two zones on one property. This process would not be creating a parcel that would result in dual zoning because of this mapping.

Councilor Lundberg said this dealt with people's property, which was a sensitive issue. She noted the name of the Comp Plan "Blob Map". She said because they were talking about peoples' property, there would be concern. She said it could be very confusing and she hoped those issues could be dealt with quickly. She said accuracy was a better thing, but could cause confusion.

Councilor Fitch suggested the disclaimer that the map was "not a legal description" be printed on the maps appropriately.

Mayor Leiken suggested keeping the Council in the loop through memos, etc. because of the importance of this issue to property owners. He said the information would be beneficial, but there could be a rocky path ahead.

2. Amendments to Springfield Municipal Code, Section 5, Public Protection, Section 1.205 General Penalties.

City Attorney Matt Cox presented the staff report on this item. The City Attorney's office, at the request of: Police Chief Jerry Smith; City Prosecutor David Logan; City Municipal Court Judge James Strickland; and Municipal Court Administrator Kathy Cunningham, drafted eight ordinances which they wished to recommend to the City Council and Mayor for adoption.

The ordinances amended and added to the Springfield Municipal Code (SMC), especially Section 5, Public Protection, and Section 1.205, General Penalties.

Mr. Cox said the updates had been in the works for about a year, and had been refined to a point to discuss with Council. He noted the background on this and why these changes were made, in part because the District Attorney's office no longer prosecuted as many crimes as they used to. He noted that the 2nd ordinance had to do with failure to register as a sex offender, which the DA's office no longer prosecuted. He said this would be for renewals when the sex offender moved, etc. Another ordinance included in the Council packet included a look at firearms at the request of Police Chief Smith and City Prosecutor Logan.

Mr. Cox reviewed the ordinances one at a time as noted in the Attached memorandum included in the agenda packet. He started by discussing the first ordinance.

Ms. Cunningham explained why the first ordinance was helpful when answering questions regarding violations and fines. This gave a clear-cut process to follow.

Councilor Ballew asked about the work load and number of violations that came to the court.

Ms. Cunningham said the caseload for the court was approximately 11,000-12,000 this year, with 10,000 of those as violations.

Councilor Ballew asked if violations translated into less expense with violations.

Ms. Cunningham said that was correct. The defendant would not be entitled to a court appointed attorney and there would be no jail penalties. If the individual that was charged with the violation did not appear in court at their first court date, they would be held over for a courtesy period of two weeks. At that point, if they didn't appear or pay the base fine, they would be guilty by default, a judgment order would be signed and they would have two weeks to pay. If they did not pay, there would be an automatic license suspension. After ninety days, it would be sent to the collection agency. Although the volume was very high, it was streamlined with everything labeled clearly as either a misdemeanor or violation.

Mr. Cox noted a housekeeping change he would be making to the first ordinance, changing it to read "ORS Chapter 153, Section s 153.005 through 153.161".

Mr. Cox discussed the second ordinance. He noted the one addition to that ordinance regarding a method for the City Prosecutor to process misdemeanor, "failure to register sex offender crimes" cases pursuant to state law in the Springfield Municipal Court.

Mr. Logan said it was important for this to be enforced. He said there were not a large volume of cases, but it was important to the community.

Councilor Ballew asked if it added to their current workload.

Judge Strickland said it did, but there were some things that were important enough to add. He said the impact on staff would be minimal.

Councilor Pishioneri discussed the number of people this would affect in Springfield. He asked if the City was taking on something that should be taken on by the County.

Mr. Logan said that was difficult to predict. Historically, they did not find a large number of offenders in this category.

Judge Strickland said the Federal Marshals would only pick up the felons, which the City wouldn't have jurisdiction over anyway. He said he didn't see it as a problem.

Mr. Cox said he only saw one or two a year when he worked at the DA's office. He discussed the difference between the felons and the misdemeanors in this category.

Mr. Cox discussed the third ordinance regarding Disorderly Conduct and Harassments. He discussed the wording that would be removed in that section regarding harassment and disorderly conduct and replaced with state language. He discussed another change on page 2 regarding firearms and discussed feedback they had received regarding this part of the ordinance. He said the Police Chief felt unlawful use of a firearm should be an A misdemeanor, giving the prosecutor and judge the ability for a longer sentence.

Councilor Pishioneri asked if the definition of a firearm was the same as the ORS definition.

Mr. Cox said the definition was the same as had been in the Municipal Code for years, but it may be too broad.

Councilor Pishioneri suggested narrowing down the definition to match the Oregon definition. He offered some suggestions for splitting up the definition and the fines.

Judge Strickland agreed. A firearm with live ammunition was much more dangerous than a paint ball gun.

Mr. Cox clarified which definition Councilor Pishioneri was referring to.

Judge Strickland said they were trying to get away from unclassified designations.

Councilor Pishioneri suggested using the State Statute ORS 166 for firearms as a Class A misdemeanor and remove the other implements and classify as Class C misdemeanors or violations.

Chief Smith said if it was a violation, the police could not remove the offending party, but the weapon could be seized.

Several councilors agreed to make it a Class C misdemeanor.

Councilor Woodrow asked Mr. Cox to look in the Uniform Code of Military Justice (UCMJ) regarding the use of the wording “firing squad”. The UCMJ could be referenced in that section of the code that lists “firing squad” if the definition fits.

Councilor Ralston said he did not see any reference to sling shots or bows and arrows.

Mr. Cox referred to the definition in the code that referred to firearms that were “designed to expel a projectile . . . by the action of . . . spring or elastic”. He asked if the terminology referring to “spring or elastic” would be moved to the Class C misdemeanor.

Councilor Woodrow said the ordinance did not cover bow and arrows.

Discussion was held regarding which items would be identified as Class C misdemeanors.

Councilor Ballew suggested not being overly specific. Other councilors agreed.

Councilor Pishioneri suggested using the Oregon Department of Fish and Wildlife (ODFW) and ORS definitions for firearms. That should cover everything.

Councilor Lundberg noted her concerns with children using something to shoot at something and then missing and injuring someone. She said she wanted to make sure there was a way to deal with that type of situation.

Mr. Cox said he would work on making the suggested changes and bring it back to Council either during a Council meeting or in a Communication Packet.

Mr. Cox discussed the fourth ordinance including raising the penalties for civil infractions.

Councilor Ballew asked why they were increasing the fee and how it would affect their ability to collect in Springfield.

Judge Strickland said a lot of this had to do with zoning and nuisance violations, and could be attached as a judgment on property if the individual did not pay. He said it gave more discretion regarding the amount they could fine someone. He said they would rarely charge the highest amount.

Mr. Cox said the maximum amount was rarely charged, but it created a ceiling.

Ms. Pappas said the fees, which were thirty years old, were being updated.

Councilor Lundberg said having that higher number could be a deterrent to some people.

Mr. Cox discussed the fifth ordinance which would clearly label all offenses as violation or civil infractions. He noted a housekeeping change he would be making in the title adding “All Non-Criminal Offenses”. He referred to page 9 of the ordinance regarding non-game birds. He said this section would be removed and put in as a misdemeanor.

Chief Smith discussed this section.

Councilor Pishioneri referred to Attachment 2 included in the agenda packet, page 7, section 5. He suggested delineating between a juvenile and minor. He explained.

Mr. Cox said he would change all such references as “juvenile (under 18 years)”.

Councilor Woodrow referred to Section 16 which referred to Drinking in Public Places and asked for clarification.

Discussion was held regarding events held at private businesses after normal business hours and the definition of open to the public. The Oregon Liquor Control Commission (OLCC) would apply if alcoholic beverages were being sold. Certain other events were covered under permits.

Mr. Cox discussed the sixth ordinance regarding the general penalties and violation schedule, which was taken from the state language. He discussed why this was created and that it would clear up confusion in regards to classification for certain violations and/or civil infractions. He referred to the fees for penalties as listed on Attachment 2, page 19 in the agenda packet.

Councilor Ballew asked if there would be more people sentenced to jail by adopting state standards.

Judge Strickland said there would not because of the lack of jail space.

Mr. Cox said it could give the Judge the potential to sentence someone to jail for one year.

Judge Strickland said that was correct.

Councilor Ralston asked about the number of dogs permitted and if that would be changed.

Councilor Woodrow said that item had been postponed allowing more time to get additional information. The ordinance would remain unchanged at this time.

Mr. Cox discussed the 7th ordinance. He noted that the penalty section was moved to the end rather than the middle of the chapter.

Mr. Cox discussed the 8th ordinance. He said it delineated certain violations in the section regarding animals as misdemeanors.

Councilor Woodrow asked if killing livestock was the same type of offense as chasing livestock, and if so, was that appropriate.

Councilor Fitch asked if the court had any cases regarding livestock in the last year or five years.

Mr. Logan said he did not recall any in the last year and very few in the last five years.

Discussion was held regarding livestock in City limits.

Councilor Ralston noted that pigs were listed as not allowed in City limits and he asked if pot belly pigs were allowed in City limits.

Mr. Logan said it was complaint driven by citizens and they had not received any complaints about pot bellied pigs.

ADJOURNMENT

The meeting was adjourned at approximately 6:57 pm.

Minutes Recorder – Amy Sowa

Sidney W. Leiken
Mayor

Attest:

Amy Sowa
City Recorder